

ESTTA Tracking number: **ESTTA208380**

Filing date: **04/30/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | |
|---------------------------------------|---|
| Name | Wolverine World Wide, Inc. |
| Granted to Date of previous extension | 04/30/2008 |
| Address | 9341 Courtland Drive NE Rockford, MI 49351 UNITED STATES |
| Attorney information | Jeffrey A. Nelson Warner Norcross & Judd LLP 111 Lyon Street N.W.900 Fifth Third Cent Grand Rapids, MI 49503 UNITED STATES trademarks@wnj.com, jnelson@wnj.com |

Applicant Information

| | | | |
|------------------------|---|------------------------|------------|
| Application No | 77232931 | Publication date | 01/01/2008 |
| Opposition Filing Date | 04/30/2008 | Opposition Period Ends | 04/30/2008 |
| Applicants | Linder, Richard N. 804 Polo Run Drive Collierville, TN 38017 UNITED STATES Lotterhos, William Christopher 1407 Bern Hill Drive Spring Hill, TN 37174 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 025.
All goods and services in the class are opposed, namely: clothing, namely, indoor and outdoor overshoes

Grounds for Opposition

| | |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

Marks Cited by Opposer as Basis for Opposition

| | | | |
|-----------------------|------------|------------------|------------|
| U.S. Registration No. | 3220531 | Application Date | 05/17/2004 |
| Registration Date | 03/20/2007 | Foreign Priority | NONE |

| | | | |
|---------------------|--|------|--|
| | | Date | |
| Word Mark | MULTISHOX | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2004/07/31 First Use In Commerce: 2004/07/31 FOOTWEAR | | |

| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1797909 | Application Date | 08/31/1992 |
| Registration Date | 10/12/1993 | Foreign Priority Date | NONE |
| Word Mark | DURASHOCKS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1992/07/01 First Use In Commerce: 1992/07/01 footwear; namely, boots and shoes | | |

| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1713847 | Application Date | 01/13/1992 |
| Registration Date | 09/08/1992 | Foreign Priority Date | NONE |
| Word Mark | DURASHOCKS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1991/07/15 First Use In Commerce: 1991/12/20 footwear; namely, boots and shoes | | |

| | |
|-------------|--|
| Attachments | 78419873#TMSN.jpeg (1 page)(bytes) 74309493#TMSN.gif (1 page)(bytes) SHOCKS.pdf (13 pages)(1382019 bytes) |
|-------------|--|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|---------------------|
| Signature | /Jeffrey A. Nelson/ |
| Name | Jeffrey A. Nelson |
| Date | 04/30/2008 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of application Serial No. 77/232931
Published in the Official Gazette on January 1, 2008

Wolverine World Wide, Inc.

Opposer,

V.

Opposition No.

William Lotterhos and Richard Linder

Applicants,


NOTICE OF OPPOSITION

Wolverine World Wide, Inc., a corporation of the state of Delaware, having its principal place of business at 9341 Courtland Drive, N.E., Rockford, Michigan 49351, believes that it will be damaged by the registration of the mark shown in intent-to-use application Serial No. 77/232931, published in the Official Gazette of January 1, 2008, and hereby opposes registration of the mark by Messrs. William Lotterhos and Richard Linder, both US citizens domiciled in Tennessee. Opposer obtained an extension of time until April 30, 2008 to file this opposition. Accordingly, this Notice of Opposition is timely filed.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive manufacture, advertising and sale of clothing and footwear, and a variety of other goods. In connection therewith, Opposer has used the Trademarks (defined below) in interstate commerce since prior to the application filing date.

2. Opposer owns several United States trademark registrations, including those listed herein (collectively, the "Trademarks"). Registrations No. 1713847 and 1797909 are incontestable. Printouts of each registration from the TARR database are attached hereto.

| <u>Mark</u> | <u>Registration</u> | <u>Goods</u> |
|---|---------------------|----------------------------------|
| MULTISHOX | 3220531 | Footwear |
|  | 1797909 | Footwear, namely boots and shoes |
| DURASHOCKS | 1713847 | Footwear, namely boots and shoes |

3. Goods bearing the DURASHOCKS trademark have been extensively and continuously offered to the public through various channels of trade for over 15 years. Goods bearing the mark MUTLISHOX have been offered to the public continuously since July 31, 2004. Opposer has also extensively advertised its products under the Trademarks throughout the United States.

4. Through Opposer's advertising and sale of products bearing the Trademarks, the public has come to recognize the Trademarks as signifying Opposer and its products, and Opposer has built up extensive and valuable goodwill in connection with the sale of products under its marks.

5. On information and belief, Applicants filed an application on July 18, 2007, based on an intent-to-use the trademark SHOCKS for "clothing, namely, indoor and outdoor overshoes" in International Class 25. The application was assigned Serial No. 77/232931, and the mark was published for opposition in the Official Gazette of January 1, 2008.

6. Opposer's initial use and registration of its DURASHOCKS in association with footwear predates Applicants' filing date by 15 years. Applicants' adoption of the SHOCKS mark and first use of the mark occurred well after Opposer's Trademarks registered.

7. The SHOCKS mark is visibly very similar to Opposer's DURASHOCKS mark. In fact, the entirety of Applicants' mark is contained within Opposer's DURASHOCKS mark. Applicants' mark and the last syllable of all of Opposer's Trademarks are pronounced identically.

8. The goods covered by the Application are "clothing, namely, overshoes," which are a type of footwear. Opposer's registrations cover clothing and footwear. Thus, the goods are identical.

9. The trademark SHOCKS is confusingly similar to Opposer's Trademarks, and its registration and use by Applicants on clothing or footwear in Class 25 is likely to cause confusion, deception, and mistake as to the origin of Applicants' products and to confuse, mislead and deceive members of the public into believing that Applicants' goods originate from, or are sponsored, approved or licensed by Opposer, or are in some way connected to Opposer. Applicants' use of the SHOCKS mark will interfere with Opposer's use of its Trademarks, and use or registration of the mark by Applicants will seriously damage Opposer.

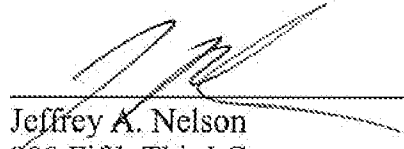
WHEREFORE, Opposer believes that it will be damaged by registration of the mark in application Serial No. 77/232931 and requests that the application be rejected and registration of the mark denied.

The fee required for this Opposition is submitted herewith. Please apply any charges not covered, or any credits, to Deposit Account 23 0457.

Respectfully submitted,

WOLVERINE WORLD WIDE, INC.

By: Warner Norcross & Judd LLP



Jeffrey A. Nelson
900 Fifth Third Center
111 Lyon Street N.W.
Grand Rapids, MI 49503-2487
(616) 752-2000
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Notice of Opposition is being sent by regular U.S. mail, first class, postage prepaid to Applicants's counsel, Emily H. Plotkin, Baker Donelson, 211 Commerce Street, Suite 1000, Nashville, Tennessee 37201-1819 on April 30, 2008.



Jeffrey A. Nelson

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-04-30 14:54:28 ET

Serial Number: 78419873 Assignment Information

Trademark Document Retrieval

Registration Number: 3220531

Mark

MULTISHOX

(words only): MULTISHOX

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-03-20

Filing Date: 2004-05-17

Transformed into a National Application: No

Registration Date: 2007-03-20

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-02-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Wolverine World Wide, Inc.

Address:

Wolverine World Wide, Inc.

9341 Courtland Drive NE

Rockford, MI 49351

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

FOOTWEAR

Basis: 1(a)

First Use Date: 2004-07-31

First Use in Commerce Date: 2004-07-31

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-03-20 - Registered - Principal Register

2007-02-05 - Law Office Registration Review Completed

2007-02-05 - Assigned To LIE

2007-01-04 - Allowed for Registration - Principal Register (SOU accepted)

2006-12-30 - Statement of use processing complete

2006-11-07 - Amendment to Use filed

2006-11-07 - TEAS Statement of Use Received

2006-05-16 - Notice of allowance - mailed

2006-04-01 - Extension Of Time To Oppose Process - Terminated

2005-11-30 - Extension Of Time To Oppose Received

2005-11-01 - Published for opposition

2005-10-12 - Notice of publication

2005-09-08 - Law Office Publication Review Completed

2005-09-02 - Assigned To LIE

2005-08-29 - Approved for Pub - Principal Register (Initial exam)

2005-08-29 - Teas/Email Correspondence Entered

2005-08-23 - Communication received from applicant

2005-08-23 - TEAS Response to Office Action Received

2004-12-15 - Letter of suspension e-mailed

2004-12-15 - Suspension Letter Written

2004-12-15 - Assigned To Examiner

2004-05-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

James L. Scott

Correspondent

JAMES L. SCOTT

WARNER NORCROSS & JUDD LLP

900 FIFTH THIRD CENTER

111 LYON STREET N.W.

GRAND RAPIDS, MI 49503

Phone Number: (616) 752-2469

Fax Number: (616) 222-2469

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-04-30 14:54:33 ET

Serial Number: 74309493 Assignment Information

Trademark Document Retrieval

Registration Number: 1797909

Mark

DURASHOCKS

(words only): DURASHOCKS

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2003-08-28

Filing Date: 1992-08-31

Transformed into a National Application: No

Registration Date: 1993-10-12

Register: Principal

Law Office Assigned: LAW OFFICE 15

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-09-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WOLVERINE WORLD WIDE, INC.

Address:

WOLVERINE WORLD WIDE, INC.

9341 Courtland Dr., N.E.

Rockford, MI 49351

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

footwear; namely, boots and shoes

Basis: 1(a)

First Use Date: 1992-07-01

First Use in Commerce Date: 1992-07-01

ADDITIONAL INFORMATION

Design Search Code(s):

26.11.21 - Rectangles that are completely or partially shaded

27.03.01 - Geometric figures forming letters, numerals or punctuation

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-13 - Case File In TIGRS

2003-08-28 - First renewal 10 year

2003-08-28 - Section 8 (10-year) accepted/ Section 9 granted

2003-06-10 - Combined Section 8 (10-year)/Section 9 filed

2003-06-10 - TEAS Section 8 & 9 Received

1999-10-28 - Section 8 (6-year) accepted & Section 15 acknowledged

1999-07-09 - Section 8 (6-year) and Section 15 Filed

1993-10-12 - Registered - Principal Register

1993-02-02 - Published for opposition

1993-01-04 - Notice of publication

1992-11-16 - Approved for Pub - Principal Register (Initial exam)

1992-11-13 - Previous allowance count withdrawn

1992-11-10 - Approved for Pub - Principal Register (Initial exam)

1992-11-09 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

James L. Scott

Correspondent

JAMES L SCOTT
WOLVERINE WORLD WIDE INC
900 OLD KENT BLDG
111 LYON ST NW
GRAND RAPIDS MI 49503

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-04-30 14:54:36 ET

Serial Number: 74238526 Assignment Information

Trademark Document Retrieval

Registration Number: 1713847

Mark (words only): DURASHOCKS

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-06-03

Filing Date: 1992-01-13

Transformed into a National Application: No

Registration Date: 1992-09-08

Register: Principal

Law Office Assigned: LAW OFFICE 10

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-02-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WOLVERINE WORLD WIDE, INC.

Address:

WOLVERINE WORLD WIDE, INC.

9341 Courtland Dr., N.E.

Rockford, MI 49351

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

footwear; namely, boots and shoes

Basis: 1(a)

First Use Date: 1991-07-15

First Use in Commerce Date: 1991-12-20

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-02-15 - Case File In TICRS

2002-06-03 - First renewal 10 year

2002-06-03 - Section 8 (10-year) accepted/ Section 9 granted

2002-03-28 - Combined Section 8 (10-year)/Section 9 filed

2002-03-28 - Combined Section 8 (10-year)/Section 9 filed

2002-03-28 - PAPER RECEIVED

2001-11-19 - Combined Section 8 (10-year)/Section 9 filed

1998-07-23 - Section 8 (6-year) accepted & Section 15 acknowledged

1998-05-04 - Section 8 (6-year) and Section 15 Filed

1992-09-08 - Registered - Principal Register

1992-06-16 - Published for opposition

1992-05-15 - Notice of publication

1992-03-16 - Approved for Pub - Principal Register (Initial exam)

1992-03-10 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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